

DECISION MEMO

TECK COMINCO AMERICAN INC. - 2007 EXPLORATORY DRILLING

USDA Forest Service, Colville National Forest
Pend Oreille County, Washington

DECISION

I have decided to proceed with the issuance of a Plan of Operation to Teck Cominco American Incorporated for mineral exploration located on the Sullivan Lake Ranger District of the Colville National Forest. The Plan of Operation will authorize exploratory drilling at eight locations.

The legal description of the project is the S1/2S1/2 Section 2, T. 39 N., R. 43 E., W.M. A total of approximately 0.5 acres of National Forest System (NFS) land will be disturbed for this project. Activity will occur at eight separate locations within an area previously logged as Unit #3 of the Leadfoot Timber Sale.

The following measures will be implemented as part of this project's design:

A. General Requirements

- 1. Employees of Teck Cominco and its contractors are required to follow Best Management Practices set forth in the pamphlet "Exploration Drilling Best Management Practices" published in August 2006 by Teck Cominco American, Incorporated.**
- 2. Following completion of drilling activity, collars being left on-site are to be cut so that they are no higher than eight (8) inches above ground level and are to be capped.**

B. Protection of Archaeological Resources

- 1. Teck Cominco shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this authorization, and shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.**

C. Protection of Habitat of Endangered, Threatened, and Sensitive Species

- 1. Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act of 1973, as amended, or as sensitive by the Regional Forester under authority of FSM 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this authorization, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the authorization holder.**

If protection measures prove inadequate, if other such areas are discovered, or if new species are listed as Federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

C. Food/Refuse Storage and Handling

- 1. Employees of Teck Cominco or its contractors are required to remove all garbage (including uneaten food) from National Forest Service (NFS) lands.**

D. Site Reclamation

- 1. As soon as possible following completion of the drilling work, the sites are to be reclaimed by backfilling and recontouring the sump ponds, ripping any area compacted by equipment, spreading stockpiled topsoil, and revegetating the site using a seed mix approved by the Forest Service.**
- 2. A reclamation bond in the amount of \$7600.00 is to be paid prior to the initiation of work (see attached bond calculation). The bond will be released upon successful completion of all reclamation work.**

E. Noxious Weed Prevention

- 1. Teck Cominco must ensure that all equipment and vehicles have been cleaned of soil and potential noxious weed seeds and plant parts and are inspected by a Forest Officer prior being brought onto NFS lands. It is recommended that the equipment also be cleaned prior to moving it from Pend Oreille County. The purpose of this measure is to reduce the risk of introducing noxious weed plant parts or seeds to the disturbed area.**
- 2. Any seed mix used for site reclamation is required to be certified as “Prohibited and Restricted Noxious Weed Free for the State of Washington.” A copy of the tag from the mix is to be provided to the Forest Service for approval prior to application.**

3. **Project areas that have had ground disturbing activities occur within them are to be inspected by Teck Cominco for noxious weeds annually for the first three years following completion of drilling activities. Teck Cominco is responsible for management of new invader species of noxious weeds discovered on the drill sites during post-drill surveys. Methods of weed management must be approved by the Forest Service prior to implementation.**

F. Motorized Access

1. **Teck Cominco will place signs at the junction of all reopened skid trails and permanent roads stating that motorized access to the area is restricted to vehicles conducting work associated with the exploratory drilling.**
2. **Teck Cominco will effectively block skid trails used to access drill sites using scattered slash and/or earthen berms immediately following completion of site reclamation.**

G. Safety

1. **All excavations for sump ponds would be surrounded by safety fencing to exclude humans and animals. Sump ponds would be constructed so as to have a ramped exit at one end to allow animals or humans to climb out of the pond in the event that they have breached the safety fence.**

REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

Through past experience and review of similar projects as well as a review of the proposed action, no extraordinary circumstances were found to exist that would cause the proposed action to have significant environmental effects. This decision falls within Category 8 of Section 31.2 of WO Amendment 1909.15-2007-1, Short-term (one year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than one mile of low standard road (Service Level D, FSH 7709.56), or use and minor repair of existing roads. The proposed action is therefore categorically excluded from preparation of an Environmental Assessment or an Environmental Impact Statement.

SCOPING AND PUBLIC INVOLVEMENT

Public and agency scoping was initiated through:

- 1) Sending letters on May 18, 2007 to the Kalispel, Colville, and Spokane Tribes of Indians requesting formal consultation.

- 2) Publishing a description of the proposal in the Colville National Forest Schedule of Proposed Actions, “Projects ‘07”, Volume Fifteen, Number Four, Summer Issue, Fiscal Year 2007.
- 3) Sending a scoping letter May 18, 2007 describing the project proposal and requesting comments to a general interest mailing list.

One letter was received in response to public scoping. No issues were identified from as a result of scoping.

The following are comments received and the Forest Service response to them:

1. What bond will be posted.

Response: As part of normal operating procedures, sufficient bond will be required to be posted by the project proponent to cover the cost of site reclamation. This bond will be collected prior to project initiation and will be held until completion of all reclamation work. The purpose of the bond is to provide funds for use by the Forest Service to complete reclamation work that has not been performed by the proponent.

2. Does the area have any special attributes that would exempt it from the provisions of the 1972 mining law.

Response: No, this land has always been in the public domain and as such is subject to the 1872 mining law.

3. A foreseeable outcome of this action would be a mine, so your analysis should include what this mine might entail and the cumulative impacts of that mine.

Response: A possible outcome of this action would be continued development of the existing Pend Oreille Mine. The effects of mine development (direct, indirect, and cumulative) on the environment have been disclosed in the Final Environmental Impact Statement for the Pend Oreille Mine Project. The FEIS has been referenced in the Project File for this project and is available for review at the Metalines Library, 302 Park Street, Metaline Falls, Washington. The analysis provided through the FEIS was found to be sufficient by the Washington State Department of Ecology and is accepted by the Forest Service.

4. Has Teck Cominco or anyone else filed a mining claim on this site?

Response: Yes, Teck Cominco holds mining claims at the proposed drill locations.

5. What is the nature of the sump – does the water come from underground or will it be brought in? Will birds have access water, and is this water contaminated? Are any of the drilling sites in a riparian area?

Response: Water to be used at the sumps would be used for lubrication of the drilling equipment and would be brought in to the sites.

Birds would have access to the water while it is in the sump ponds, prior to final percolation into the ground. Additives proposed for use would be non-toxic and biodegradable. Material Safety Data Sheets (MSDS) have been provided for all additives.

None of the proposed drill sites are located within or near riparian areas. The areas proposed for drilling are on a flat, upland area previously harvested under the Leadfoot Timber Sale.

6. The map shows a temporary road – how long is this road, will trees be removed and what will be done with them and how will the road be closed and rehabilitated after the operation.

Response: There would be no new road construction or tree removal required by this project to provide access to work sites. Teck Cominco proposes to use existing skid trails to access to the drill sites. Improvement of the trails would be limited to pulling stumps or cutting them flush where they are of a height that would be a barrier to work vehicles.

Signs would be placed at the junction of all reopened skid trails and permanent roads stating that motorized access to the area is restricted to vehicles conducting work associated with the exploratory drilling.

Teck Cominco would be required to effectively block skid trails used to access drill sites using scattered slash and/or earthen berms immediately following completion of site reclamation.

7. When will the road construction and drilling take place? What will be the impact on grizzly and other wildlife?

Response: There is no road construction proposed for this project. Drilling would begin in July 2007 and may continue for up to 4 1/2 months (ending in November, weather permitting).

A Biological Evaluation (BE) was prepared for this project. The US Fish and Wildlife Service was consulted and concurred with the determinations of the BE.

The drill sites are located outside of recovery habitat for grizzly bear and woodland caribou. There is currently no recovery plan for gray wolf in the state of Washington. The determination of the BE was that, because activity would occur outside of designated recovery habitat for grizzly bear and woodland caribou, impact to forest vegetation would be minor (0.06 acres per drill site for a total of 0.5 acres affected) and temporary (impacted sites would be reclaimed/revegetated). No mature trees would be removed, and no new roads or trails are proposed for this project. The project as proposed would have no effect on woodland caribou, bald eagles, and Canada lynx and may affect, but is not likely to adversely affect grizzly bear and gray wolves.

The BE also analyzed potential impacts to sensitive species. The project area does not provide habitat for fisher, northern leopard frog, sandhill crane, common loon, eared grebe, Townsend's big-eared bat, great gray owl, peregrine falcon, pygmy whitefish, westslope cutthroat trout, or interior redband trout. The Forest Botanist determined that the project area does not provide habitat for plants listed as sensitive.

The project area could provide habitat for wolverine, a USDA, Forest Service (Region 6) sensitive wildlife species. Impact to forest vegetation would be minor (0.06 acres per drill site for a total of 0.5 acres affected) and temporary (impacted sites would be reclaimed/revegetated). There would be negligible effects on berry producing shrubs. Other forest habitat components important to wolverines should not be affected. No new road or trail construction would be authorized. For these reasons it was determined that the project as proposed would have no impact on wolverine.

The project area provides habitat for a variety of other wildlife including deer, cougar, black bear, squirrels, and song birds. Habitats for several Management Indicator Species (MIS) and land birds exist within or near the project area. Deer and elk use the area as summer and winter range. Suitable habitat does not exist in the project area for northern bog lemming, beaver, trout, pine marten, barred owl, pileated woodpecker, northern 3-toed woodpecker, blue grouse, Franklin's grouse, or waterfowl.

The proposed drill sites would be located within an area which provides wildlife winter range, however, it does not provide thermal cover, having been logged as Unit #3 of the Leadfoot Timber Sale. The drilling operations would begin in July and would continue until mid- to late November. That period falls outside of the normal winter range use season (December 1 through March 31) and so is not expected to affect winter use of the area by wildlife. Human activity may temporarily displace wildlife in the area during the actual drilling and reclamation work. Clearing a drill site would alter vegetation over approximately 0.06 acres (total of 0.5 acres for the entire project) which would have a short-term (up to 3 years) effect on available forage. This effect would be negligible in terms of total vegetation within the winter range area.

Based on this discussion, authorizing the exploratory drilling as proposed would be consistent with Forest Plan and other direction for MIS and land birds.

8. How much is Teck Cominco paying the Forest Service for the privilege of exploring for gold and using your services to do the NEPA analysis?

Response: Teck Cominco is not required to pay the Forest Service for the privilege of exploring for minerals on claims it holds. There is currently no authority in place to require payment for environmental analysis of mining Plans of Operation. For complex proposals, however, it is to the benefit of the proponent to procure the services of independent contractors for the analysis work as Forest Service personnel may not be able to complete analysis work within the proponent's time frame. In this instance, the drilling proposal was not complex and the analysis could be completed by the Forest Service.

The full analysis (FEIS) of the development of the Pend Oreille Mine was paid for by Teck Cominco.

9. What mineral or minerals is Teck Cominco looking for?

Response: Teck Cominco is exploring for deposits of lead and zinc within lode claims they hold.

FINDINGS

The project is consistent with management direction, including standards and guidelines found in the Colville National Forest Land and Resource Management Plan (LRMP), as amended. Management direction for each Management Area (MA) is provided by the Colville National Forest Land and Resource Management Plan (Forest Plan) which describes in detail the Goals, Objectives, Standards, Guidelines, and Management Prescriptions (Forest Plan Chapter 4).

The drill sites will be located within an area designated as MA 6 by the Forest Plan. The emphasis in MA 6 is Scenic/Winter Range with the goal of managing to "provide a natural appearing foreground, middle, and background along major scenic travel routes while providing winter range management" (Page 4-97 of Forest Plan). Direction provided by the Forest Plan regarding mineral management on National Forest System land is that "Exploration and development plans will include reasonable, operationally feasible requirements and rehabilitation measures designed to meet retention or partial retention objectives" (Page 4-99 of Forest Plan).

The actions are consistent with direction contained in Regional Forester's Forest Plan Amendment #2 (Page 4 of Project File).

INFISH requires that Riparian Habitat Conservation Areas be delineated, and that Standards and Guidelines found in INFISH Decision Notice Attachment A, pages A-6 through A-13 be followed. The actions are consistent with INFISH direction. (See Project File, Wildlife section, page 5.)

The actions are consistent with the Forest Plan because mitigation measures (Decision Memo, pages 1 through 3), have been fully applied in the selected actions. The project is feasible and reasonable, and it results in applying management practices that meet the Forest Plan overall direction of protecting the environment while producing goods and services.

Teck Cominco will conduct minor ground disturbing activities associated with drilling and impacts to vegetation would be negligible. The determination of the BE was that, because activity would occur outside of designated recovery habitat for grizzly bear and woodland caribou, impact to forest vegetation would be minor (0.06 acres per drill site for a total of 0.5 acres affected) and temporary (impacted sites would be reclaimed/revegetated). No mature trees would be removed, and no new roads or trails are proposed for this project. The project as proposed would have no effect on woodland caribou, bald eagles, and Canada lynx; may affect, but is not likely to adversely affect grizzly bear and gray wolves; and would have no impact on wolverine. (Project File, Threatened, Endangered, and Sensitive Species of Plants and Animals, pages 6 and 7).

This action does not pose a violation of Federal, State, or local law requirements imposed for the protection of the environment. It does not, individually or cumulatively, have a significant effect (40 CFR 1508.4) on the quality of the human environment.

This is not a major Federal action. It will have limited context and intensity (40 CFR 1508.27), individually or cumulatively, to the biological, physical, social, or economic components of the human environment. It will have no adverse effect upon public health or safety; consumers, civil rights, minority groups and women; prime farmland, rangeland, and forest land; wetlands and floodplains; significant scientific, cultural or historic resources; roadless areas; steep slopes or highly erosive soils; old growth forest options; or to designated Wilderness.

Legal Requirements

National Forest Management Act of October 22, 1976 (NFMA): Provisions of NFMA applicable to all projects require the following: (a) resource plans and permits, contracts, and other instruments shall be consistent with the land management plan; (b) insure consideration of the economic and environmental aspects of management, to provide for outdoor recreation, range, timber, watershed, wildlife, and fish; and (c) provide for diversity of plant and animal communities. All of these considerations and requirements are addressed in the Decision Memo and the various resource reports in the project file. Therefore, project actions are consistent with these provisions of NFMA.

IMPLEMENTATION

This project may be implemented immediately. The Forest Supervisor expects the Plan of Operation to be issued in July 2007 and project implementation to immediately thereafter.

ADMINISTRATIVE REVIEW OR APPEAL

This categorical exclusion decision is not subject to appeal pursuant to 36 CFR 215.12 (f), however, it may be appealed by those with standing under 36 CFR 251.86(b).

Questions regarding this decision should be submitted by mail to Kim A. Di Rienz, Minerals Administrator, Sullivan Lake Ranger District, 12641 Sullivan Lake Road, Metaline Falls, WA 99153, or by telephone at (509) 446-7540, or email at kdirienz@fs.fed.us.

/s/ Betty M. Higgins

7/3/2007

BETTY M. HIGGINS
District Ranger
Sullivan Lake Ranger District
Colville National Forest

Date